R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 2 has been amended to make a minor clarifying amendment, and claims 3, 5, 7 and 8 claims have been amended to make some minor grammatical improvements so as to put them in better form for issuance in a U.S. patent.

No new matter has been added, and it is respectfully requested that the amendments to claims 2, 3, 5, 7 and 8 be approved and entered.

It is respectfully submitted, moreover, that the amendments to the claims are not related to patentability, and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

In addition, it is respectfully requested that upon allowance of claim 1, withdrawn claims 5, 7 and 8 depending therefrom also be considered on the merits and allowed.

THE PRIOR ART REJECTION

Claims 1 and 2 were rejected under 35 USC 102 as being anticipated by USP 3,738,669 ("Andersen et al"), and claims 1-3 were rejected under 35 USC 103 as being obvious in view of the

combination of USP 6,401,398 ("Panayides et al") and USP 6,161,878 ("Atsumi et al"). These rejections, however, are respectfully traversed.

Re: Anderson et al

The rejection of claims 1 and 2 in view of Andersen et al rests on the Examiner's assertion that the seal assembly 10 of Andersen et al is a pipe.

It is respectfully pointed out, however, that a "pipe" is a hollow member. See both the general definitions of "pipe" submitted herewith and the definition of "pipe" in the specification at page 6, line 17.

By contrast, the seal halfs 12 and 14 of Anderson et al are not hollow (pipes). Indeed, see Fig. 3 of Andersen et al, which is taken along the lines 3-3 in Fig. 1, and which shows that the seal unit of Andersen et al is not hollow.

Accordingly, it is respectfully submitted that Andersen et al does not disclose, teach or suggest a waterproof member which is a pipe that is formed by extrusion-molding a material with elasticity and anti-permeation properties, as recited in independent claim 1, wherein terminal-end faces of the pipe are disposed to be opposed to each other with their centers being aligned, and the pipe is extended by pressure that acts when the first member and the second member are engaged or attached to

each other, whereby the terminal-end faces of the pipe are brought into close contact with each other and waterproofing is effected.

It is respectfully pointed out, moreover, that claim 2 has been clarified to recite that the waterproof member of the present invention has one of a perfect circular shape, a rectangular shape, a polygonal shape and an oval shape in a cross-section perpendicular to a longitudinal direction of the pipe. Clearly, Andersen et al also does not at all disclose, teach or suggest this claimed structural feature of the present invention as recited in amended claim 2.

Re: Panayides et al and Atsumi et al

The Examiner has cited Panayides et al for the disclosure of a hollow seal member, but acknowledges that Panayides et al does not disclose a waterproof member that has terminal ends. For this reason, the Examiner has cited Atsumi et al to supply the missing teachings of Panayides et al.

It is respectfully pointed out, however, that Atsumi et al discloses a seal for a T-shaped pipe joint in which the "split seal members" 4 are not shaped in a manner that is applicable to the hollow seal of Panayides.

Indeed, Fig. 6 of Atsumi et al shows that the "split seal members" 4 thereof comprise two long side portions 4B and two

semicircular portions 4A which are continuous with each other. As shown in Figs. 1 and 2 of Atsumi et al, the split seal members 4 contact each other at the faces 4B (see also the paragraph bridging columns 5 and 6 of Atsumi et al). The split seal members 4 of Atsumi et al have this shape so that they can fit inside of split pipe members 5 while making a seal around pipe 1. See Figs. 1 and 2. And it is respectfully submitted that the faces 4B at which the split seal members 4 are "split" from each other are clearly not analogous to terminal ends of an elongated hollow sealing member. Indeed, it is respectfully pointed out that the "splitting" disclosed by Atsumi et al is between top and bottom halves of a seal which fits around a pipe, and that the "splitting" of Atsumi et al does not yield longitudinal seal ends that face each other.

Therefore, even if the advantages that the Examiner contends would be achieved by the combination of Atsumi et al and Panayides et al would in fact have been achieved, the "splitting" taught by Atsumi et al would not yield a split structure in Panayides et al in which longitudinal ends of a pipe-shaped waterproof member face each other with their centers aligned, as according to the present invention as recited in independent claim 1.

In any event, it is respectfully pointed out that Panayides et al actually discloses multiple seal segments 18, 18a and 18

provided at the left, top and right sides (28, 33 and 29, respectively) of a helicopter door. See column 3, lines 59-64 and column 4, lines 53-65. And while the seals of Panayides et al do have hollow interiors, it is respectfully pointed out that none of the seals is a pipe arranged such that terminal-end faces of the pipe are disposed to be opposed to each other with their centers being aligned. In addition, it is respectfully pointed out that even if the seals 18, 18a and 18 (or any subset thereof) were considered as a large seal, the terminal end faces of the large seal are still not opposed to each other.

Accordingly, it is respectfully submitted that Panayides et al and Atsumi et al, even taken in combination, do not at all disclose, teach or suggest the claimed structural features of the present invention as recited in independent claim 1.

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In view of the foregoing, it is respectfully submitted that the present invention as recited in independent claim 1 and claims 2, 3, 7 and 8 depending therefrom clearly patentably distinguishes over Andersen et al, Panayides et al and Atsumi et al, taken singly or in any combination consistent with the respective fair teachings thereof, under 35 USC 102 as well as under 35 USC 103.

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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